

In response to Mr. Taylor's testimony I would like to say that this is not the only means for retiree's to gain a voice. The City Charter and Council resolution support their efforts and now they just need to get the elected officials running City government to bring the issue to the negotiation table. There's not one arbitrator in this State, armed with these facts, that wouldn't find for the City in a 312 negotiation on this issue.

It's true, what the Retired Detroit Police and Fire Fighters Association is asking for is not unique but the manner in which it is going about it truly is.

The first thing I want the committee members to understand is although the title "Retired Detroit Police and Fire Fighters Association" has an official ring to it, they are not a certified bargaining unit. They officially represent no one. They have no bargaining rights and no duty to represent anyone. The fact that close to six thousand retirees sign up and use this as a social network to keep abreast of issues, old friends and social events does not mean they all support this legislation. A lot of their members have relocated to Florida, Arizona, Nevada, and California.

I would also like to point out that Mr. Taylor's explanation of what has occurred in the past leaves a false impression of the facts. The pension board does not conduct elections so his request for the board to conduct an election was mis-directed. Its true, the RDPFFA went to court and lost their bid to force an election. The court ruled it was a matter for collective bargaining however the active employee unions feel it is the responsibility of the City to operate within the city charter and to respect votes of the people. Therefore, the city should bring this issue to the negotiation table. Armed with the charter and a vote of the people I can't imagine an arbitrator could deny them. It's just not the active union's responsibility to carry this issue.

This legislation as it reads allows the retirees to overwhelm the vote. Currently less than 50 employees of the police dept. are eligible to vote in my election. The legislation as it currently reads would allow every retiree police or fire retiring from all ranks to vote in my election. And even if it was restricted to only allow retirees above the rank of lieutenant from the police department, it would still allow hundreds of retirees to vote overwhelming the active employee vote of less than 50. Where's the fundamental fairness in that?

Mr. Taylor speaks about how he would never do anything to hurt the retirement system because hundreds of their sons and daughters are currently active members of the system. He needs to realize that that is a double edge sword. Their sons and daughters would never sit back and allow their parents and loved ones benefits to be reduced because of negligence by the trustees.

There have consistently been benefit improvements over the years in our system as well as most others around the state. However, now that the political climate supports give backs all retirees are locked in and they should be. During my career I've seen our multiplier go from 2.0 to 2.1 and from 2.1 to 2.5. A reading of the collective bargaining agreements will reveal there was once an "Old Plan" and a "New Plan". Options routinely change but retirees don't get to continuously improve their benefit.

Again, the RDPFFA is not a collective bargaining unit for retired employees. They don't represent anyone legally. We, the elected officers of the certified labor organizations have no fiduciary responsibility to retirees nevertheless; we have stood side by side with our retired members over the years to protect their rights as stated in our respective collective bargaining agreements.

The retirement system is strong and it has been strong. The consistent over funding is glaring proof of that. In the midst of the worse economic down turn since the great depression, a local newspaper chose to write disparaging articles about our losses like PA-314 didn't exist and our fund was the only one to loose money. Even though we out performed many other local and state funds, it sells news papers by beating up on Detroit.

I want everyone to re-read Mr. Taylor's testimony specifically as it relates to the repeated over funding status of our system for almost a decade but nobody wrote an article about that. No one will ask out loud how those cops and fire fighters managed to get better results than Harvard and Yale Universities.

In his testimony before this committee last week, Rep. Durhal mischaracterizes the issue as a voters rights issue. This is not a voter's rights issue at all. Mr. Taylor's testimony is clear, the history of this discussion has been solely about placing a retiree on the board. This legislation is the first time there has been any discussion about retirees voting for active trustees.

This bill as it currently reads is constructed to give retirees a super majority and the ability to select all six elected members to the board. This was done to force the active employees to place significant pressure on their union leadership to capitulate and carry this issue into the bargaining room for the retirees or loose all their seats. So when the sponsor states that he sponsored 4917 because of his belief in the sanctity of the right to vote and the application of fundamental fairness I can't help but wonder where he sees fundamental fairness in this.

His contention that the fire and police unions oppose a retiree on the board is a false one, what is opposed is the blatant disregard for the collective bargaining process. The court didn't rule against 900,000 citizens of Detroit, it ruled that the process had to be followed. This legislation is another attempt to circumvent the process.

PERA is the Public Employees Relations Act; it was intended to address public employees and their employers. The collective bargaining agreements generated through this process are intended to address issues like this. The assertion that it is okay for this body to **“merely add another item of exclusion from the collective bargaining process, namely in Detroit only,”** is discriminatory and just plain wrong. Where is the fundamental fairness in that?

Rep. Durhal’s statement that he believes this bill could strengthen and in fact enhance the bargaining position of the active unions in negotiations with the city is disingenuous at best. His assertion that we should join forces is again another indication that this bill’s true intent is to force the active unions to carry this issue to the bargaining table in spite of our fiduciary responsibility to our dues paying members.

I find it interesting that there has never been any request to allow retirees to vote for active trustees before this legislation was drafted. None of the local remedies such as charter amendments and votes of the people have gone farther than allowing a retiree to gain a seat on the board.

The retirees have received everything they signed up for at retirement and their checks have never been in jeopardy and they are never late, but the prospect of getting more has them mis-stating the facts and bending the truth.

Well here is a little known truth; there are technically 4 retired trustees’ on the Detroit Police and Fire Retirement System Board of Trustees, Marty Bandemer, Gregory Best, James Moore and Paul Stewart. We are all members of the Deferred Option Retirement Plan. We have locked our pensions and cannot improve them in the future.

In 2009, the Citizens Research Council, a non-profit think tank produced a 61 page report on Michigan's large public pension funds. The only criticism of our fund was the revenue sharing at times of over funding, the very issue that brings us here today. Previous testimony quoted great Americans, so I will leave this committee with the advice of former Joint Chief Of Staff and Secretary of State, Colin Powell as he gave it to former President George W. Bush prior to President Bush making the decision to invade Iraq "YOU BREAK IT, YOU OWN IT."

James E. Moore

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